

1 Laurence M. Rosen (SBN # 219683)

2 **THE ROSEN LAW FIRM, P.A.**

3 350 5th Avenue, Suite 5508

4 New York, New York 10118

5 Telephone: (212) 686-1060

6 Facsimile: (212) 202-3827

7 Email: lrosen@rosenlegal.com

8 [Proposed] Lead Counsel for Plaintiffs

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 JOSEPH LEONE and ALLEN M.	)	No. C-07-4073-PJH
12 METZGER, on behalf of themselves	)	<u>CLASS ACTION</u>
13 and all others similarly situated,)	
14 Plaintiffs,	)	NOTICE OF MOTION TO: (1)
15 vs.	)	CONSOLIDATE RELATED ACTIONS;
16 LUMINENT MORTGAGE	)	(2) APPOINT LEAD PLAINTIFF; and (3)
17 CAPITAL, INC., et. al.	)	APPROVE LEAD PLAINTIFF'S
18 Defendants.	)	SELECTION OF COUNSEL
19 ELLIOT GREENBERG, on behalf of	)	Hearing Information:
20 himself and all others similarly	)	Date: November 14, 2007
21 situated,	)	Time: 9:00 a.m.
22 Plaintiff,	)	Ctrm: 3, 17th Floor
23 vs.	)	No. C-07-04141-PJH
24 LUMINENT MORTGAGE	)	<u>CLASS ACTION</u>
25 CAPITAL, INC., et. al.)	
26 Defendants.)	

27 *[caption continues]*

1 PEM RESOURCES LP, individually) No. C-07 -04184-PJH
and on behalf of all others similarly) CLASS ACTION
situated,)
2)
3 Plaintiff,)
4)
5 vs.)
6)
7 LUMINENT MORTGAGE)
CAPITAL, INC., et. al.)
8)
9 Defendants.)
10)
11 ALLEN M. METZGER, individually) No. C-07-4686-PJH
and on behalf of all others similarly) CLASS ACTION
situated,)
12)
13 Plaintiff,)
14)
15 vs.)
LUMINENT MORTGAGE)
CAPITAL, INC., et. al.)
Defendants.)

16 TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

17 PLEASE TAKE NOTICE that on November 14, 2007, at 9:00 a.m. before the
18 Honorable Phyllis J. Hamilton in Courtroom 3, 17th Floor, U.S. Courthouse, 450 Golden
19 Gate Avenue, San Francisco, CA 94102, Harry Pogach (hereinafter "Movant") will, and
20 do, move this Court for an order granting their Motion to: (1) consolidate related actions;
21 (2) appointing Movant as Lead Plaintiff; and (3) approving the his selection of counsel.

This Motion is brought pursuant to Section 21 D of the Securities and Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), on the grounds that the Movant has timely filed its Motion and is the “most adequate plaintiff.” Moreover, Movant meets the requirements of Rule 23 of the Federal Rules of Civil Procedure for the purposes of this Motion in that their claims are typical of the other class members’ claims and Movant

1 will fairly and adequately represent the class. Movant also seeks the Court's approval of
2 its selection of the Rosen Law Firm, P.A. as Lead Counsel.

3 In support of this Motion, Movant submits: a Memorandum of Points and
4 Authorities in support thereof dated October 9, 2007; the Declaration of Laurence M.
5 Rosen dated October 9, 2007 (with exhibits); a [Proposed] order granting Movant's
6 Motion to consolidate related actions, appointment as Lead Plaintiff, and approval of its
7 selection of Counsel; and any other files herein, and on such other written or oral
8 argument as may be permitted by the Court.

9
10 Dated: October 9, 2007

11
12 Respectfully submitted,
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14 THE ROSEN LAW FIRM, P.A.

15 /s/ Laurence Rosen, Esq.
16 Laurence Rosen, Esq. (SBN #219683)

17 [Proposed] Lead Counsel for Plaintiffs
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CERTIFICATE OF SERVICE

I, Laurence M. Rosen, hereby certify that on October 9, 2007, a true and correct copy following NOTICE OF MOTION TO: (1) CONSOLIDATE RELATED ACTIONS; (2) APPOINT LEAD PLAINTIFF; and (3) APPROVE LEAD PLAINTIFF'S SECTION OF COUNSEL was served via CM/ECF which sent notification to such filing to counsel of record.

7 Additionally, pursuant to the Local Civil Rules of this Court, I concurrently
8 caused the aforementioned document to be posted at the following Designated Internet
9 Site: <http://securities.stanford.edu>.

THE ROSEN LAW FIRM, P.A.

/s/ Laurence M. Rosen